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PATENT & TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: MARNAY, et al

Serial No.: 10/018402

Examiner

Filed: December 19, 2001

Art Unit

For: INTERVERTEBRAL IMPLANT

Docket # P06794US00/MP

TRANSMITTAL LETTER - INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

Washington, D.C. 20231

SIR:

This IDS is submitted herewith pursuant to 37 CFR. §1.97-1.98 and includes the following:

- A listing of the references on PTO-1449.
- A copy of references which have come to applicant's attention.
- A copy of a corresponding foreign Search Report explaining the relevance of those references.
- A separate Information Disclosure Statement.

Please note the following particulars concerning the filing of this IDS:

- This IDS is filed **within three months** of the filing date of a national application other than a CPA, or within three months of the date of entry into the national stage as set forth in 37 CFR. §1.491 in an international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination, whichever event occurs last.

- This IDS is filed **after a first action**, but before a final action, allowance, or any other action which closes prosecution, and:
 - is accompanied by a check in the amount of \$180.00 required by 37 CFR. §1.17(p).

or

- I hereby state that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.
- An appropriate statement is attached.

..... This IDS is filed **after a final action or allowance**, but on/before payment of the issue fee, **and**:

..... is accompanied by a check in the amount of \$180.00 required by 37 CFR. §1.17(p).

and

..... I hereby state that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

..... I hereby state that no item of information in this IDS herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR. §1.56(c) more than 3 months prior to the filing of this IDS.

..... An appropriate statement is attached.

..... This IDS is being filed pursuant to 37 CFR. §1.97(i), **for placement in the file**.

If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due with this communication to Deposit Account No. 12-0555.

Respectfully submitted,

Date: March 26, 2002



By: Marvin Petry
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SIR:

Enclosed herewith are references which have come to Applicants' attention and which are believed to be generally relevant to the present subject matter. English translations are included for each of the two French patents, an English translation of the claims is included for German Patent No. 2 263 842 and an English language abstract is included for German Patent No. 28 04 936.

Respectfully submitted,

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March 26, 2002